

Amendments to the claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (ORIGINAL) A transgenic plant with enhanced disease resistance and increased expression of a positive regulator of systemic acquired resistance (SAR) characterised by a transgene encoding a MAP kinase substrate 1 (MKS1) polypeptide having a primary amino acid sequence comprising:

a. MAP kinase interaction domain 1 with sequence:

IXGPRPXPLXVXXDSHXIKK, and

b. transcription factor interaction domain 2 with sequence:

PVVIYXXSPKV VHXXXXE FMXVVQRLTG, or

conservatively modified variants of said domain 1 and/or domain 2 sequence, wherein

X refers to any amino acid residue.

2. (CURRENTLY AMENDED) The transgenic plant of claim 1, wherein said MKS1 polypeptide has an amino acid sequence selected from the group consisting of: SEQ ID No. 2, 6, 10, 14, 16, 20, 26, 27, 28, and conservatively modified variants thereof.

3. (ORIGINAL) The transgenic plant of claim 2, wherein said MKS1 polypeptide is encoded by a nucleic acid molecule having a nucleic acid sequence selected from the group consisting of: SEQ ID No. 1, 5, 9, 13, 15, and 19.

4. (CURRENTLY AMENDED) ~~The use of a nucleic acid molecule that hybridises at high stringency to~~ A method for producing a transgenic plant having enhanced disease resistance, comprising: introducing into the genome of a plant a nucleic acid molecule that hybridizes at high stringency to a nucleic acid molecule having a nucleic acid sequence selected from the group consisting of: SEQ ID No. 1, 5, 9, 13, 15, and 19, as a transgene to produce ~~the~~ a transgenic plant ~~of claim 1~~, wherein said plant has enhanced disease resistance and increased expression of a positive regulator of systemic acquired resistance.
5. (CURRENTLY AMENDED) ~~The use of a nucleic acid molecule according to method of~~ claim 4, wherein said nucleic acid sequence is selected from the group consisting of: SEQ ID No. 1, 5, 9, 13, 15, and 19.
6. (CURRENTLY AMENDED) The transgenic plant of ~~claims 1, 2 or 3~~ claim 1, wherein said transgene comprises a homologous promoter.
7. (CURRENTLY AMENDED) The transgenic plant of claim 1, ~~2 or 3~~, wherein said transgene is a chimeric gene comprising a heterologous promoter.
8. (ORIGINAL) The transgenic plant of claim 7, wherein said heterologous promoter is selected from the group consisting of: constitutive promoter, tissue specific promoter, and inducible promoter.

9. (CURRENTLY AMENDED) The transgenic plant of ~~any one of claims 1 to 3, 6 to 8~~ claim 1, wherein said plant is a dicotyledonous plant.

10. (CURRENTLY AMENDED) The transgenic plant of ~~any one of claims 1 to 3, 6 to 8~~ claim 1, wherein said plant is a monocotyledonous plant.

11. (CURRENTLY AMENDED) The transgenic plant of ~~any one of claims 1 to 3, 6 to 8~~ which is claim 1, wherein the plant is selected from the group consisting of: alfalfa, carrot, cotton, potato, sweet potato, oilseed rape, radish, soybean, sugarbeet, sugar cane, sunflower, tobacco, turnip, asparagus, bean, carrot, chicory coffee, celery, cucumber, eggplant, fennel, leek, lettuce, garlic, onion, papaya, pea, pepper, spinach, squash, pumpkin, tomato, brussel sprout, broccoli, cabbage, cauliflower, avocado, banana, blackberry, blueberry, grape, mango, melon, nectarine, orange, papaya, pineapple, raspberry, strawberry, apple, apricot, peach, pear, cherry, plum and quince; herbs such as anise, basil, bay laurel, caper, caraway, cayenne pepper, celery, chervil, chives, coriander, dill, horseradish, lemon balm, liquorice, marjoram, mint, oregano, parsley, rosemary, sesame, tarragon and thyme, eucalyptus, oak, pine, and poplar.

12. (CURRENTLY AMENDED) The transgenic plant of claim 10, ~~which~~ wherein the plant is selected from the group consisting of: barley, maize, oats, rice, rye, sorghum, wheat, and *Poaceae* grass.

13. (ORIGINAL) The transgenic plant of claim 12, wherein said plant is a *Poaceae* grass selected from the group consisting of *Phleum* spp., *Dactylis* spp., *Lolium* spp., *Festulolium* spp.,

Festuca spp., *Poa* spp., *Bromus* spp., *Agrostis* spp., *Arrhenatherum* spp., *Phalaris* spp., and *Trisetum* spp., for example, *Phleum pratense*, *Phleum bertolonii*, *Dactylis glomerata*, *Lolium perenne*, *Lolium multiflorum*, *Lolium multiflorum westervoldicum*, *Festulolium braunii*, *Festulolium loliaceum*, *Festulolium holmbergii*, *Festulolium pabulare*, *Festuca pratensis*, *Festuca rubra*, *Festuca rubra rubra*, *Festuca rubra commutata*, *Festuca rubra trichophylla*, *Festuca duriuscula*, *Festuca ovina*, *Festuca arundinacea*, *Poa trivialis*, *Poa pratensis*, *Poa palustris*, *Bromus catharticus*, *Bromus sitchensis*, *Bromus inermis*, *Deschampsia caespitosa*, *Agrostis capilaris*, *Agrostis stolonifera*, *Arrhenatherum elatius*, *Phalaris arundinacea*, and *Trisetum flavescens*.

14. (CURRENTLY AMENDED) Seed from the transgenic plant of ~~any one of claims 1 to 3 and 6 to 13~~ claim 1.

15. (CURRENTLY AMENDED) A method for producing the transgenic plant of ~~any one of claims 1 to 3 and 6 to 13~~, characterised by claim 1, comprising: introducing an expression cassette comprising said transgene encoding said MKS1 polypeptide into a plant; and selecting the transgenic plant ~~and~~ or its progeny expressing said MKS1 polypeptide.

16. (ORIGINAL) The method of claim 15, wherein the expression cassette is introduced into the plant through transformation.

17. (ORIGINAL) The method of claim 15, wherein the expression cassette is introduced into the plant by sexual crossing with a transformed plant comprising a MKS1 transgene.

18. (CURRENTLY AMENDED) A recombinant vector comprising the transgene of claim 1, ~~2~~
~~or 3~~.

19. (CURRENTLY AMENDED) A method for detecting increased expression of MKS1
polypeptide in the transgenic plant of any one of ~~claims 1 to 3 and 5 to 14~~, characterised in claim
1, comprising: reacting an anti-MKS1 antibody with a protein extract derived from said plant.

20. (CURRENTLY AMENDED) An anti-MKS1 antibody or fragment thereof, wherein the
antibody or fragment is characterised by reacting with a MKS1 polypeptide having an amino
acid sequence selected from the group consisting of: SEQ ID No. 2, 6, 10, 14, 16, 20, 26, 27, 28,
and conservatively modified variants thereof.

21. (CURRENTLY AMENDED) The anti-MKS1 antibody or fragment of claim 20, ~~comprising~~
wherein the antibody is a polyclonal antibody or fragment thereof.

22. (CURRENTLY AMENDED) The anti-MKS1 antibody or fragment of claim 20, ~~comprising~~
wherein the antibody is a monoclonal antibody or fragment thereof.

23. (CURRENTLY AMENDED) ~~Use of the transgenic plant according to any one of claims 1,~~
~~2, 3 and 12 for the cultivation of a crop~~ A method for producing a disease-resistant crop,
comprising: cultivating a crop of transgenic plants of claim 1; and harvesting the crop of disease
resistant plants.

24. (CURRENTLY AMENDED) ~~The~~ A crop produced by the method of claim 21 23.

25. (CURRENTLY AMENDED) ~~Use of the transgenic plant according to any one of claims 1 to 3 and 6 to 14 in a breeding program~~ A method of breeding a disease resistant plant, comprising:

- a) crossing a transgenic plant of claim 1 with a second plant; and
- b) screening plants produced by the crossing for retention of the transgene of claim 1; and
- c) repeating steps a) and b) to produce a plant having the disease resistance of the plant of claim 1 and at least one characteristic of the second plant.

26. (CURRENTLY AMENDED) ~~A plant selected in the breeding program~~ method of claim 25,
~~having wherein said transgene comprising~~ encodes an amino acid sequence selected from the
group consisting of: SEQ ID No. 2, 6, 10, 14, 16, 20, 26, 27, 28, and conservatively modified
variants thereof.